

Part 201 Complexity Subgroup Draft Meeting Summary

DRAFT 1-9-07

*December 11, 2006
Lansing, Michigan*

Work Group Members Present

See list at end of summary.

Staff Present

Carol Barish and Paul Zugger, Public Sector Consultants

Welcome and Introduction

The meeting began at 9:30 AM.

Paul Zugger from Public Sector Consultants welcomed the members of the Part 201 Complexity Work Group. Work group members, Department of Environmental Quality (DEQ) staff, and others in attendance introduced themselves. Zugger thanked Bruce Jeffries, Michigan State Housing Development Authority (MSHDA), for hosting the meeting and Brad Venman of NTH for providing lunch for the group. Zugger reviewed the agenda and the summary of the November 6, 2006, meeting. There were no suggested changes.

Reports from Work Groups

Checklist to Narrow Issues and Secure Upfront Agreement:

Richard Barr and Bob Wagner reported on this work. Two checklists have been developed, and the group is in the process of merging them into a single, comprehensive checklist that will apply to most situations. The goal is to get information recorded one time, and use this record throughout the project. The process would also document decisions/agreements and assure a continuous record for project management. The information on the checklist could be maintained electronically, for easy reference. This would be a continuous project record. Information, decisions, and agreements would be added as the project moved along. The “tracking” portion of this record could have a Part I, Part II, etc., for different phases of the project.

There was discussion of the creation of a database of information for public use as well. Well log data in a given area, for example, could be made available.

The Checklist Work Group will merge the two lists and have a conference call before the next meeting. The draft list will be presented for discussion and development of a finding and recommendation at the next meeting.

Single Issue Problem Resolution

Fred Dindoffer reported on this issue, presenting a hypothetical scenario involving a trichloroethylene (TCE) spill at a manufacturing plant. The subgroup discussed issues affecting the process by which the party could secure DEQ approval to remediate the TCE spill without undertaking an investigation of the complete manufacturing site. The DEQ expressed concern with not notifying the party of its larger responsibilities. One member pointed out that such notification would trigger a number of concerns and felt there should be a way to obtain closure on the TCE spill without involving the rest of the site. Otherwise, a significant disincentive is created against involving the DEQ at all.

The DEQ indicated that it can give limited closure approval under an Interim Response Activities Designed to Meet Criteria (IRDC) approach, suggesting that the concern expressed by a number of members might actually be a “labeling issue”. However, the DEQ felt it would still be necessary to notify the party of other potential concerns at the site, especially if they could pose a threat to public health and welfare. There was discussion regarding whether all situations need to trigger this notification.

A member indicated that the State of Illinois uses an approach called a “Focused Closure” to deal with these situations.

The DEQ will take this issue under advisement and examine the IRDC option and the language in the approval letters to see if there are procedural modifications that would allow DEQ to address this situation in most cases. The DEQ will report on this issue at the next meeting.

Proposed Off-Ramp/On-Ramp for GSI Pathway in Utility Corridor Backfill

Alan Reilly and Sharon Newlon reported on this item. Alan presented for discussion a conceptual procedural approach that would establish initial and secondary off-ramp criteria. If any of the initial criteria were met (sewer invert above the groundwater table; the corridor backfill material having similar hydraulic conductivity to the surrounding soils; the utility corridor not discharging to surface waters) this pathway would not be considered a relevant pathway.

If the initial criteria are not met, the secondary criteria could be utilized used to determine whether further review of this pathway is needed. This approach would utilize easily determinable criteria and accepted assumptions to show that the GSI criteria would be met prior to reaching surface waters. An example was provided in which a plume with a concentration 10 times the GSI criteria would degrade to less than the GSI criteria in half a mile. In this example, if the concentration were less than 10 times the GSI criteria and the distance to the surface water more than half a mile, the pathway would not need to be considered.

The goal of this approach would be to use basic information that is readily available to justify an off ramp from this pathway through a simple and conservative set of

calculations. The DEQ indicated that this approach, using reasonably conservative assumptions to eliminate consideration of a pathway, has potential, although there are going to be many situations where the parameters will differ and the pathway will need to be considered.

The DEQ will follow up with Alan and Sharon on this approach for further discussion at the next meeting.

Indoor Air Pathway

Andy Hogarth, Chris Flaga, and Amy Merricle of the DEQ presented this item. (See attached PowerPoint Presentation.)

The DEQ expressed concern that the current indoor air criteria are not adequately protective. The DEQ compared Michigan's criteria with other states and presented concerns with the current Part 201 Indoor Air Pathway input parameters. The DEQ feels revisions are necessary to the methodology and the criteria, which will involve changes to the Part 201 rules. This rule making would go through the normal procedure, which involves a stakeholder process. Some changes could proceed without rule amendments. The DEQ presented a draft conceptual alternative vapor intrusion (VI) process for discussion.

The DEQ will prepare a short summary of the issues and proposed approach for addressing them for presentation at the next meeting.

Next Steps

Items for the next meeting:

- Reports from work groups: Check List; Single Issue Problem; Utility Corridor Off-Ramp. Work groups are to discuss follow-up items with the DEQ and prepare issues in the form of recommendations.
- Indoor Air Pathway: DEQ will prepare a one-page overview of its proposal.
- Discussion of mercury and storm sewer issues that were postponed:

Findings and Recommendations: The subgroup needs to consider draft findings and recommendations based on the issues that have been discussed, to date. Also, members with additional issues not yet discussed should bring these forward for discussion at the January meeting. Members are to forward specific suggestions to Paul for distribution to the subgroup before the next meeting. It was suggested that members should present recommendations in a consistent format, as follows:

- Statement of issue or problem
- Presentation of suggested solution or approach
- Explanation of how the solution or approach addresses the issue

Next Meeting

Friday, January 19, from 9:30 AM to 3:00 PM at the MSHDA offices located at 735 E. Michigan Avenue in Lansing. The February meeting (last meeting) will be held on Monday, February 26, 2006.

Part 201 Complexity Subgroup

Meeting: December 11, 2006

Participants

<i>Name</i>	<i>Organization</i>
John Barkach	Great Lakes Environmental Center
Richard Barr*	Honigman Miller Schwartz & Cohn
Patty Brandt*	RRD – Executive Section
Jeff Crum	Hamp, Mathews & Assoc., Inc
Fred Dindoffer	Bodman LLP
Christine Flaga*	MDEQ – RRD
John Frankenthal*	Atlantic Richfield Company
Chuck Hersey*	SEMCOG
Andy Hogarth	DEQ
Bruce Jeffries*	MSHDA
Christene Jones*	Barr Engineering
Gary Klepper	Conestoga-Rovers & Associates
Vincent Nathan*	City of Detroit
Sharon Newlon*	Dickinson Wright, PLLC
Tom O’Connell*	ERM
Allen Reilly*	Horizon Environmental
Frank Ruswick	Department of Environmental Quality
Brad Venman*	NTH Consultant
Robert Wagner*	RRD – Gaylord District Office
Sharon Woolman*	The Dow Chemical Company
Rebecca Yedlin	SEMCOG
Dan Dyer	Delta Consultants

* Subgroup Members

Others Present

Karen East, Legislative Service Bureau, Research Services